

**TENNESSEE AIR POLLUTION CONTROL BOARD  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
NASHVILLE, TENNESSEE 37243-1531**



**NOx Budget Permit Issued Pursuant to Tennessee Air Quality Act**

This permit fulfills the requirements of the federal regulations promulgated thereunder at 40 CFR Part 96. This permit is issued in accordance with the provisions of paragraph 1200-3-27-.06 of the Tennessee Air Pollution Control Regulations. The permittee has been granted permission to operate an air contaminant source in accordance with emissions limitations and monitoring requirements set forth herein.

**DRAFT**

**Date Issued:**

**Permit Number:** 057101N

**Date Expires:** March 31, 2009 (5 year)

**NOx Budget Source:**

Bowater Newsprint

**NOx Budget Source Address:**

5020 Highway 11  
Calhoun, Tennessee

**NOx Budget Unit Description:**

Emission Source 10 – Power boilers F2 (Unit 11) and F3  
(Unit 12)

**Emission Source Reference No.:** 54-0012

**Renewal Application Due Date:** October 10, 2008

**ORIS/Facility Code:** 50956

**NOx Authorized Account Representative:**

Name: Jack O'Grady  
Phone: 423-336-7117

**Alternate Account Representative:**

Name: John Griffey  
Phone: 423-336-7559

**Information Relied Upon:**

Application dated October 30, 2002

Application consisting of three (3) pages and cover letter.

**DRAFT**

**TECHNICAL SECRETARY**

No Authority is Granted by this Permit to Operate, Construct, or Maintain any Installation in Violation of any Law, Statute, Code, Ordinance, Rule, or Regulation of the State of Tennessee or any of its Political Subdivisions.

**POST OR FILE AT INSTALLATION ADDRESS**

## NOx Budget Permit Application

This submission is: ☒ New ☐ Revised

<u>Bowater Newsprint Calhoun Operations</u>	<u>TN</u>	<u>50956</u>
Plant Name	State	ORIS/Facility Code

Unit ID #

11
12

**1200-3-27-.06(2) NOx Budget Trading Program for State Implementation Plans (40 CFR 96)**

## 40 CFR 96.6 - Standard Requirements

## (a) Permit Requirements

- (1) The NOx authorized account representative of each NOx Budget source required to have a federally enforceable permit and each NOx Budget unit required to have a federally enforceable permit at the source shall:
  - (i) Submit to the permitting authority a complete NOx Budget permit application under § 96.22 in accordance with the deadlines specified in § 96.21(b) and (c);
  - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review a NOx Budget permit application and issue or deny a NOx Budget permit.
- (2) The owners and operators of each NOx Budget source required to have a federally enforceable permit and each NOx Budget unit required to have a federally enforceable permit at the source shall have a NOx Budget permit issued by the permitting authority and operate the unit in compliance with such NOx Budget permit.
- (3) The owners and operators of a NOx Budget source that is not otherwise required to have a federally enforceable permit are not required to submit a NOx Budget permit application, and to have a NOx Budget permit, under 40 CFR 96 subpart C for such NOx Budget source.

## (b) Monitoring Requirements

- (1) The owners and operators and, to the extent applicable, the NOx authorized account representative of each NOx Budget source and each NOx Budget unit at the source shall comply with the monitoring requirements of 40 CFR 96 subpart H.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR 96 subpart H shall be used to determine compliance by the unit with the NOx Budget emissions limitation under paragraph (c) of this section.

## (c) Nitrogen Oxides Requirements

- (1) The owners and operators of each NOx Budget source and each NOx Budget unit at the source shall hold NOx allowances available for compliance deductions under § 96.54(a), (b), (e), or (f) as of the NOx allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NOx emissions for the control period from the unit, as determined in accordance with 40 CFR 96 subpart H, plus any amount necessary to account for actual heat input under § 96.42(e) for the control period or to account for excess emission for a prior control period under § 96.54(d) or to account for withdrawal from the NOx Budget Trading Program, or a change in regulatory status, of a NOx Budget opt-in unit under § 96.86 or § 96.87.  
*[Revised as per 1200-3-27-.06(1)(d)]*

- (2) Each ton of nitrogen oxides emitted in excess of the NOx Budget emissions limitation shall constitute a separate violation of this part, the CAA, and applicable State law.
  - (3) A NOx Budget unit shall be subject to the requirements under paragraph (c)(1) of this section starting on the later of May 31, 2004 or the date on which the unit commences operation. *[Revised as per 1200-3-27-.06(1)(i)]*
  - (4) NOx allowances shall be held in, deducted from, or transferred among NOx Allowance Tracking System accounts in accordance with 40 CFR 96 subparts E, F, G, and I.
  - (5) A NOx allowance shall not be deducted, in order to comply with the requirements under paragraph (c)(1) of this section, for a control period in a year prior to the year for which the NOx allowance was allocated.
  - (6) A NOx allowance allocated by the permitting authority or the Administrator under the NOx Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NOx Budget Trading Program. No provision of the NOx Budget Trading Program, the NOx Budget permit application, the NOx Budget permit, or an exemption under § 96.5 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.
  - (7) A NOx allowance allocated by the permitting authority or the Administrator under the NOx Budget Trading Program does not constitute a property right.
  - (8) Upon recordation by the Administrator under 40 CFR 96 subpart F, G, or I, every allocation, transfer, or deduction of a NOx allowance to or from a NOx Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NOx Budget permit of the NOx Budget unit by operation of law without any further review.
- (d) Excess Emissions Requirements
- (1) The owners and operators of a NOx Budget unit that has excess emissions in any control period shall:
    - i) Surrender the NOx allowances required for deduction under § 96.54(d)(1); and
    - ii) Pay any fine, penalty, or assessment or comply with any other remedy imposed under § 96.54(d)(3).
- (e) Recordkeeping and Reporting Requirements
- (1) Unless otherwise provided, the owners and operators of the NOx Budget source and each NOx Budget unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the permitting authority or the Administrator.
    - (i) The account certificate of representation for the NOx authorized account representative for the source and each NOx Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with § 96.13; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NOx authorized account representative.
    - (ii) All emissions monitoring information, in accordance with 40 CFR 96 subpart H; provided that to the extent that 40 CFR 96 subpart H provides for a 3-year period for recordkeeping, the 3-year period shall apply.
    - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NOx Budget Trading Program.
    - (iv) Copies of all documents used to complete a NOx Budget permit application and any other submission under the NOx Budget Trading Program or to demonstrate compliance with the requirements of the NOx Budget Trading Program.
  - (2) The NOx authorized account representative of a NOx Budget source and each NOx Budget unit at the source shall submit the reports and compliance certifications required under the NOx Budget Trading Program, including those under 40 CFR 96 subparts D, H, or I.

## (f) Liability

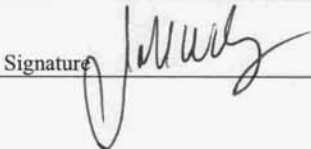
- (1) Any person who knowingly violates any requirement or prohibition of the NOx Budget Trading Program, a NOx Budget permit, or an exemption under § 96.5 shall be subject to enforcement pursuant to applicable State or Federal law.
- (2) Any person who knowingly makes a false material statement in any record, submission, or report under the NOx Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.
- (3) No permit revision shall excuse any violation of the requirements of the NOx Budget Trading Program that occurs prior to the date that the revision takes effect.
- (4) Each NOx Budget source and each NOx Budget unit shall meet the requirements of the NOx Budget Trading Program.
- (5) Any provision of the NOx Budget Trading Program that applies to a NOx Budget source (including a provision applicable to the NOx authorized account representative of a NOx Budget source) shall also apply to the owners and operators of such source and of the NOx Budget units at the source.
- (6) Any provision of the NOx Budget Trading Program that applies to a NOx Budget unit (including a provision applicable to the NOx authorized account representative of a NOx budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under 40 CFR 96 subpart H, the owners and operators and the NOx authorized account representative of one NOx Budget unit shall not be liable for any violation by any other NOx Budget unit of which they are not owners or operators or the NOx authorized account representative and that is located at a source of which they are not owners or operators or the NOx authorized account representative.

## (g) Effect on Other Authorities

No provision of the NOx Budget Trading Program, a NOx Budget permit application, a NOx Budget permit, or an exemption under § 96.5 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NOx authorized account representative of a NOx Budget source or NOx Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the CAA.

**Certification**

I am authorized to make this submission on behalf of the owners and operators of the NOx Budget sources or NOx Budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name: Jack W. O'Grady, Director of Environmental Affairs	
Signature 	Date 10/30/2002

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